REMARKS

This response is to the Office Letter mailed in the above-referenced case on November 27, 2001, made Final. Claims 1, 3-7, 9-13, and 15-17 are presented for examination. Claims 1, 5-7, 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al., hereinafter Williams, in view of Iwami et al., hereinafter Iwami. Claims 3-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Iwami, and further in view of Ito et al., hereinafter Ito. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Iwami.

Applicant has carefully studied the rejection, the Examiner's remarks, and the references provided by the Examiner. In response, applicant herein provides further convincing arguments which clearly show that the references presented by the Examiner fail to support the obviousness rejection asserted by the Examiner in the present case.

Regarding claim 1, applicant asserts the previous argument that Williams does not teach a system wherein two people engage in live conversation wherein one is on the COST or PSTN network, and the other is on the Internet or DNT network. In applicant's invention calls can be made all over the world on the COST or Internet network, not restricted to a LAN as in Iwami. Iwami does not teach Internet Protocol telephony as disclosed and claimed in applicant's invention.

In response to the above argument the Examiner disagrees that Iwami's invention is limited to a local area network. The Examiner points out that col. 17, lines 47-55 of Iwami teaches that the LAN transports IP; therefore, it is part of the Internet as the packets are formatted to be transported on the Internet.

The paragraph in col. 17 of Iwami, referred to by the Examiner,

states in full context; *" As a modified example of the present invention, the LAN communication controller 14 shown in FIG. 2 may be adapted to simultaneously support a plurality of communication protocols, for example, TCP/IP protocol and UDP/IP protocol, such that the voice communication packet is transmitted utilizing the UDP/IP protocol in the processing flows shown in FIGS. 4 and 10, and control information such as the voice communication request command and voice communication end notice command shown in FIG. 5 and the connected terminal determination result notice command shown in FIG. 19 are transmitted utilizing the TCP/IP protocol. The appropriate use of different protocols in this way will prevent a delay in the arrival of the voice communication packets and reliably control the start, termination, and so on of the voice communication."*

Applicant disagrees with the Examiner's reasoning that because an IP protocol is used on the LAN of Iwami that it is part of the Internet as the packets are formatted to be transported on the Internet. Applicant argues that the packets formatted in Iwami are taught to be specifically for the LAN. Iwami teaches that the UDP/IP protocol is used in the processing flows shown in FIGS. 4 and 10. As clearly seen in Figures 4 and 10 the packets are formed internal to the system; i.e. on the LAN, and for the LAN. Applicant directs the Examiner's attention to steps 107 and 108 of Figs. 4 and 10 of Iwami. After receiving the voice data from the encoder, at step 107 voice packets are created, and at step 108 the voice packets are transmitted to terminals on the LAN. Applicant argues that absolutely nowhere in the Iwami invention is it taught or suggested that the created packets are intended for the Internet. Further, Iwami specifically teaches that the TCP/IP protocol is used to transmit control information on the LAN, such as the start, and termination of the voice communication. Applicant argues that there is no teaching, suggestion, or motivation to

communicate the voice packets created in Iwami on the Internet.

In the present rejection of applicant's claim 1, the Examiner admits that Williams does not specifically disclose dynamically allowing two people to engage in a live conversation where one is the Internet and the other is on a COST network. However, the Examiner states that Iwami teaches a live conversation where one person is on a COST network and one person is on Internet. As argued in detail above, Iwami is limited to the LAN.

In applicant's invention calls can be made all over the world on the COST or Internet network, because they are both public networks, not restricted to a LAN as in Iwami. Iwami does not teach Internet Protocol telephony as disclosed and claimed in applicant's invention. Therefore, the art of Iwami cannot be relied upon to teach a live call between a COST network and the Internet as claimed in applicant's invention.

Applicant previously argued in the last amendment filed that applicant claims a computerized telephony bridge <u>unit.</u> Williams teaches a system and method for placing a conventional telephone call through a RBOC (public telephony switch) to a server 15 in one geographical location, which converts the received telephone call into data packets. The packets are then sent to server 20, <u>which is in a completely separate geographic location</u>, which converts the packets back to analog telephony for forwarding to another telephone. <u>Williams teaches placing an analog voice call with a conventional telephone, converting the call to DNT, traveling the Internet to another server, converting the call back to analog voice and delivering the call to the destination telephone.</u> **William's system teaches that both participant's in the call are on the same network.** William's system cannot read on the telephony system as claimed in applicant's invention. Williams does not accomplish applicant's claimed invention with a single unit as claimed.

Applicant's claim 1 specifically recites; "*and the dynamic conversion of data enables two people to engage in a live conversation even though one person is on the Internet and the other is on a COST network.*". Williams and Iwami, either singly or in combination, cannot accomplish the above limitation of applicant's claim 1. Williams requires two separate servers in separate geographic locations to accomplish the conversion, and both the participant's of the call in Williams are on the same network. Applicant claims an apparatus and method enabling dynamic telephony calls to take place between participants (a caller and a recipient) wherein one of the participants of the call is on the Internet and one of the participants of the call is on a COST network. In applicant's invention the caller and the destination are on two separate networks. Not so in the art of Williams.

Applicant respectfully points out to the Examiner that in order to support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious **in light of the teachings of the reference**. Both the suggestion to make the claimed combination and the reasonable expectation of success must be founded in the prior art and not in applicant's disclosure. Applicant argues that the concept of enabling one person on a COST network to engage in live conversation with a person on the Internet is only suggested in applicant's invention, not in the references.

Therefore, applicant still firmly believes claim 1 is patentable over the art of Williams and Iwami as argued above. Claims 3-6 are patentable on their own merits, or at least as depended from a patentable claim.

Applicant believes claim 7, as amended, is patentable over the art of Williams and Iwami as argued above on behalf of claim 1. Claims 9-12 are

patentable on their own merits, or at least as depended from a patentable claim.

Independent claim 13 recites that the data network is the Internet and calls on the Internet are Internet Protocol Network Telephony (IPNT) calls. Williams teaches a method for placing a COST call, transferring the call over a packet network, placing the call to another COST network. There is no live connection between two users on separate networks in the art of Williams as claimed in applicant's invention. Iwami is limited to a LAN and does not teach or suggest IPNT as claimed. Applicant believes claim 13 is patentable over the art of Williams and Iwami. Claims 15-17 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims are patentable to the Applicant over the art of Williams and Iwami, the Applicant respectfully requests reconsideration and that the case be passed quickly to issue.

If there are any extensions of time required beyond any extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Version With Markings to Show Changes Made

There are no changes to the specification or the claims in the present amendment.

Respectfully,
Dan Kikinis

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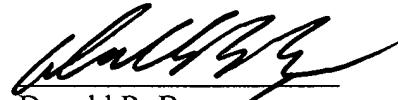
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